

ZONING MAP AMENDMENT

Rezone Petition Number: 17-06RZ

City Initiated Zoning Amendment – Previously Annexed Property

Staff Report

Owners: Richard & Jeanne Davis

Address: 409 Park Lane Drive

Parcel ID #: 0175-08-0012

Parcel Size: 11,522 square feet

Existing Zoning District: Sarasota County Residential, Single-Family 2 (RSF-2)

Proposed Zoning District: City of Venice Residential, Single-Family 2 (RSF-2)

Future Land Use Designation: Low Density Residential

I. BACKGROUND ON PURPOSE OF REZONING

Annexation Information – On July 28, 1981, through the adoption of Ordinance No. 901-81 the City Council approved the annexation of the subject property into the City of Venice. The subject property did not obtain City of Venice zoning after its annexation into the city. As such, the property still retains the Sarasota County Residential, Single-Family 2 (RSF-2) zoning it had at the time it was annexed into the city.

County Zoned Properties Identified – Through review of the City’s zoning map there are obvious certain properties within the City that have not been rezoned to a City of Venice zoning designation. Examples include properties such as the Sawgrass subdivision and other properties depicted on the City zoning map as having an Open Use Estate (OUE) zoning. It was not until early 2017 through research on annexation and the subsequent rezoning that should have followed, that staff discovered numerous other properties within the City that have consistently been reflected on City zoning maps as having a City zoning designation. However, the research further indicated that there was no associated rezoning ordinance justifying/substantiating that the zoning designation on the map is an official City zoning designation. As a result, the properties have retained their Sarasota County zoning designation.

City Approach to Rezoning – On February 14, 2017, City Council adopted Resolution No. 2017-05 which specifically addressed annexed properties with retained Sarasota County zoning designations. For such properties, the resolution eliminated the zoning map amendment application fee and pursuant to Section 86-41(c) granted a waiver from the public workshop for zoning map amendment applications when applications are made to rezone annexed properties from a county zoning designation to a city designation. In addition, the City Attorney rendered an opinion dated March 9, 2017, that under Chapter 171, F.S. once a property is annexed into the city it takes on the laws of the city, and when it is addressed within the city’s comprehensive plan, the property takes on the zoning designation most comparable to its former county zoning designation subject to formal rezoning. Pursuant to the City Attorney’s recommendation, a policy was established to facilitate the establishment of city zoning for annexed properties which retain Sarasota County zoning designations when, among other considerations, the

property owner requests a city zoning designation that is most similar to the existing Sarasota County zoning designation. Under this policy and upon authorization from the property owner, the city will initiate a zoning map amendment to rezone these properties to a City zoning designation most similar to the current Sarasota County designation (like for like).

The subject city-initiated zoning map amendment application has been submitted pursuant to the above city policy. It is a “like for like” application; the existing zoning designation is Sarasota County RSF-2 and the proposed zoning is City of Venice RSF-2.

II. SUMMARY FINDINGS OF FACT

The following summary findings of fact provide an overview of the staff analysis included in this report:

Staff Summary / Findings of Fact

- 1) **Finding of Fact (Comprehensive Plan):** *The proposed City of Venice RSF-2 district is consistent with the Low Density Residential future land use designation and is compatible with adjacent properties. In summary, the proposed City of Venice RSF-2 district can be found consistent with the comprehensive plan.*
- 2) **Finding of Fact (Land Development Code):** *Sufficient information has been provided to make the findings of fact for each of the rezoning considerations contained in Section 86-47(f)(1) a-p, of the Land Development Code and the subject zoning map amendment can be found in compliance with the Land Development Code.*
- 3) **Finding of Fact (Concurrency):** *The proposed zoning map amendment will have no impact on public facilities.*

Based upon the above findings, there is sufficient basis to take action on Zoning Map Amendment Petition No. 17-06RZ.

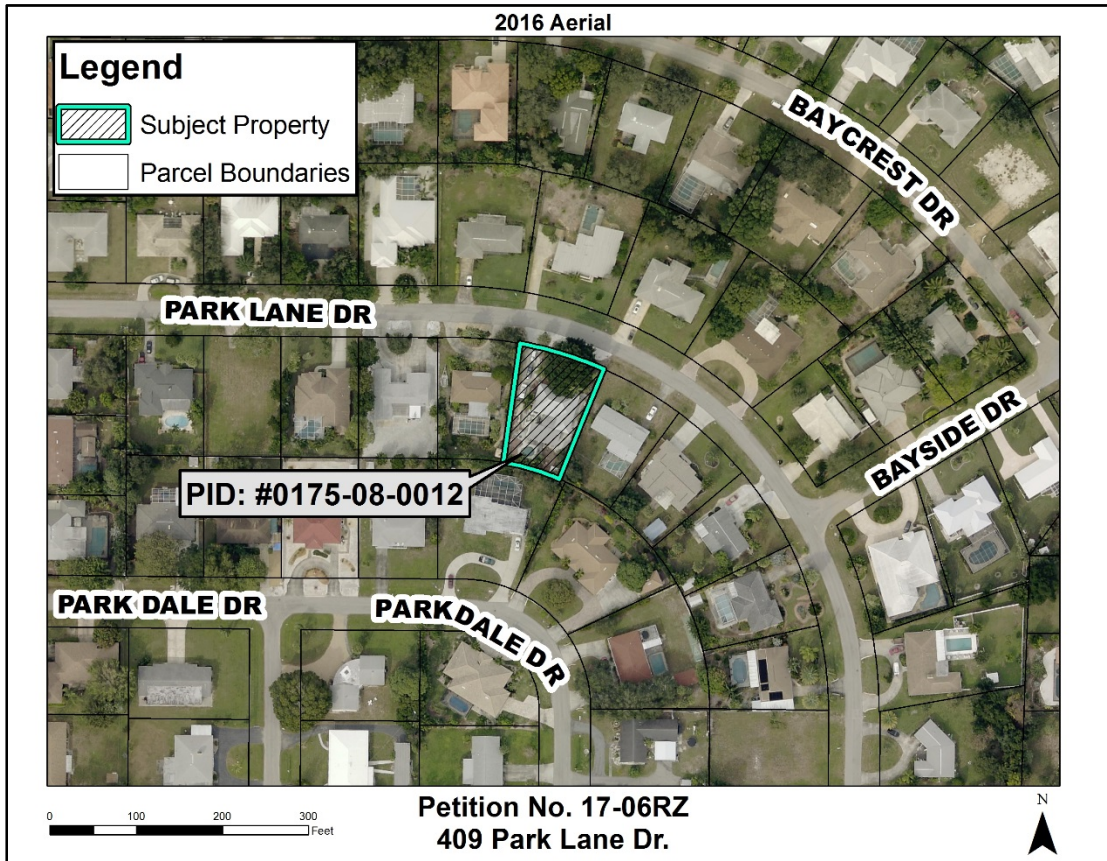
III. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

Subject Property Information:

The subject property is a 11,522 square foot existing platted lot located on the south side of Park Lane Drive. The property is developed with a single-family detached structure and various accessory structures.

Map 1 on the following page shows current on-site conditions and properties adjacent to the subject property. Existing uses, current zoning and future land use designations of the abutting properties are provided in the table on the following page.

MAP 1: Aerial Photograph

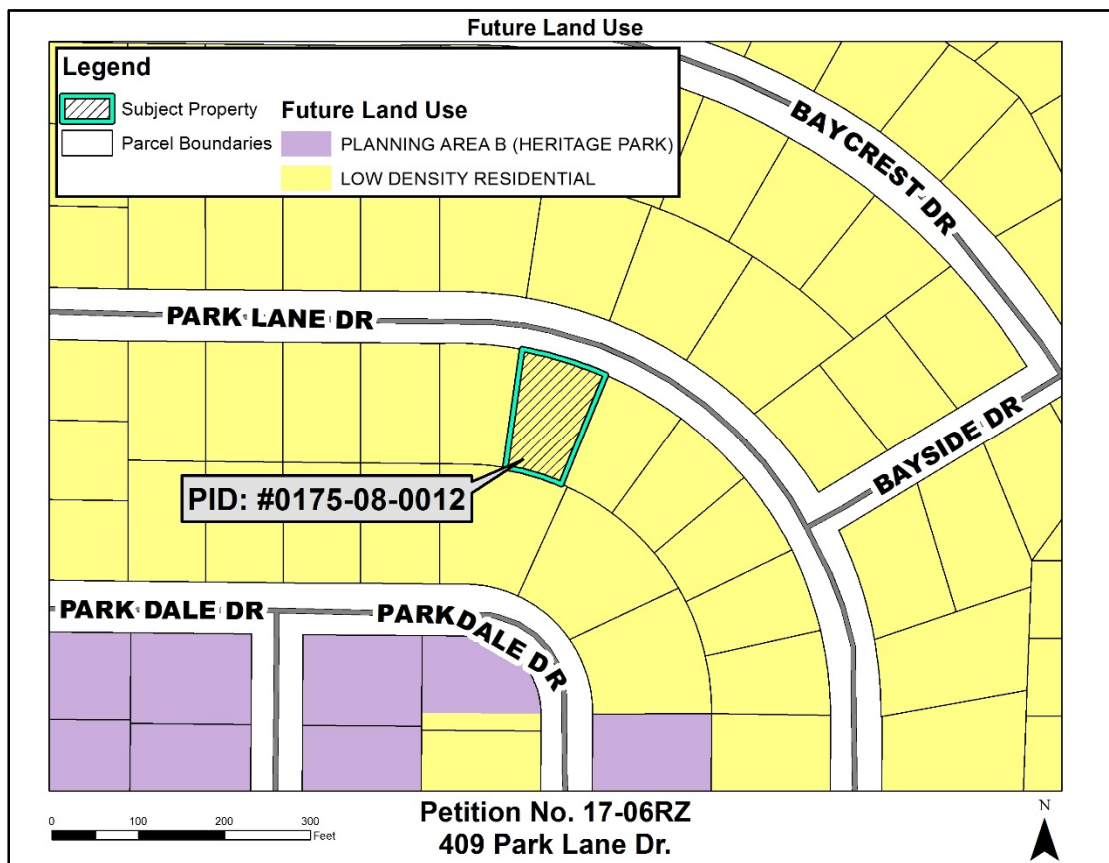


Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Single-family detached residential	Sarasota County Residential, Single-Family 2 (RSF-2), City of Venice RSF-2 and Undetermined Sarasota County Zoning District	Low Density Residential
West	Single-family detached residential	Sarasota County RSF-2 and Undetermined Sarasota County Zoning District	Low Density Residential
South	Single-family detached residential	Sarasota County RSF-2, Sarasota County Residential, Multiple-Family 1 (RMF-1) and Undetermined Sarasota County Zoning District	Low Density Residential
East	Single-family detached residential	Sarasota County RSF-2, City of Venice RSF-2 and Undetermined Sarasota County Zoning District	Low Density Residential

Future Land Use:

The future land use map (see Map 2 below) shows the subject property and all surrounding properties having a future land use designation of Low Density Residential. The Low Density Residential designation is for residential areas consisting of up to five (5) dwelling units per acre or less and are intended to accommodate single-family and other similar residential uses.

MAP 2: Future Land Use Map

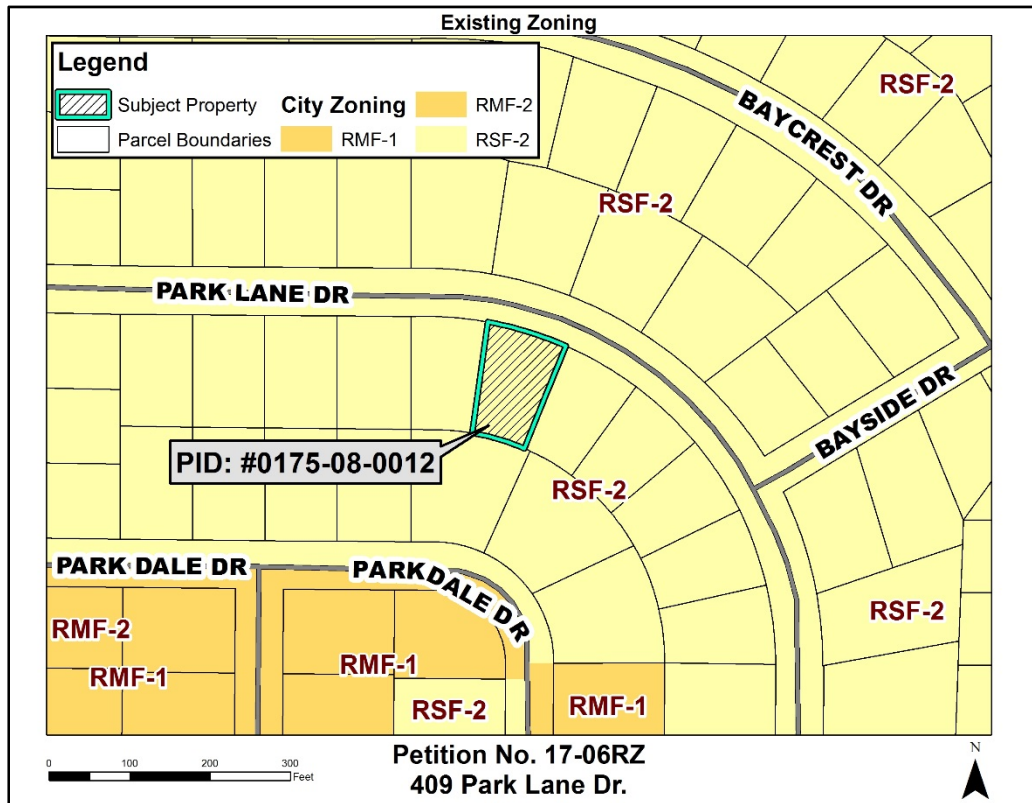


Existing Zoning:

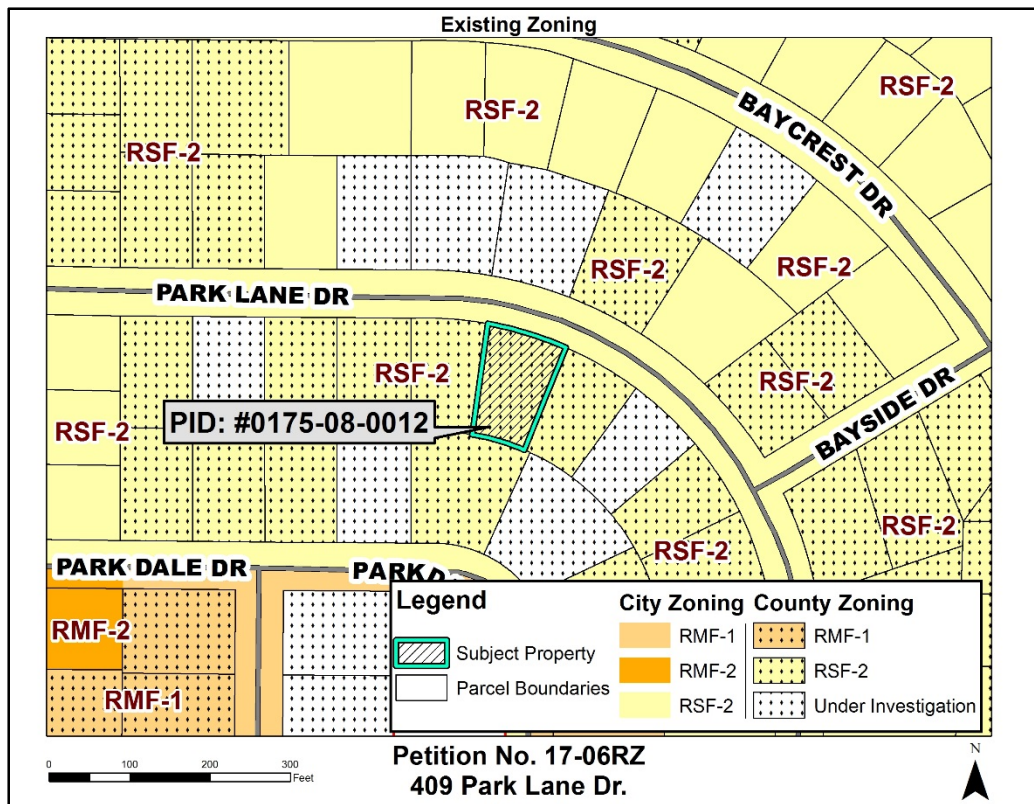
Two versions of the existing zoning map are presented in this report. The first, Map 3 on the next page, shows the existing zoning map presuming all properties in the city have City of Venice zoning designations. Property owners, the general public and staff have relied of this zoning map to accurately reflect existing zoning designations.

Map 4, provided on the next page, shows the existing zoning designation of properties with either county or city zoning designations. The map shows the subject property and most of the adjacent properties retaining the Sarasota County zoning designation that was in place when the properties were annexed into the city. All of the properties shown on Map 4 immediately adjacent to the subject property have either Sarasota County RSF-2, City of Venice RSF-2, or unknown Sarasota County zoning designations which are under continued investigation.

MAP 3: Existing Zoning Map Without County-Zoned Properties



MAP 4: Existing Zoning Map With County-Zoned Properties



IV. PROPOSED ZONING

The subject zoning map amendment application is a request to rezone the subject property from Sarasota County RSF-2 to City of Venice RSF-2. This section of the report compares these two zoning districts regarding permitted uses and district development standards.

Regarding permitted uses, both the existing and proposed districts are intended for single-family detached dwellings. In comparing the permitted uses in the county and city RSF districts, most of the uses are consistent. There are three differences between the city and county permitted uses in RSF districts. First, daycare is permitted under county RSF zoning, however, for city RSF zoning daycare is limited to infants and is a special exception use. Second, schools are a permitted use in the city RSF districts but are a special exception use in county RSF districts. Finally, parks and open space are permitted uses in both jurisdictions, however in addition, the city permits city buildings consistent with the district character along with libraries.

The table on the following page summarizes the development standards for the existing county RSF-2 zoning and the proposed city RSF-2 zoning.

Development Standards	Existing Zoning District (Sarasota County RSF-2)	Proposed Zoning District (City of Venice RSF-2)
Maximum Residential Density	3.5 units per acre	3.5 units per acre
Minimum Lot Area	9,600 square feet	10,000 square feet
Minimum Lot Width	80 feet	80 feet
Maximum Lot Coverage	35% of lot area	30% of lot area
Minimum Yards (Setbacks)		
Front Yard	20 feet	20 feet

Side Yards	8 feet min.; 18 feet combined	8 feet min.; 18 feet combined
Rear Yard	10 feet	10 feet
Maximum Building Height	35 feet	35 feet

The development standards for county RSF-2 and city RSF-2 districts differ in two ways. The first difference is the minimum lot area standards; the Sarasota County RSF-2 district requires a minimum lot area of 9,600 square feet while the City of Venice RSF-2 district requires a minimum lot area of 10,000 square feet. The second difference is the maximum lot coverage standards; the Sarasota County RSF-2 district maximum lot coverage standard is 35% while the City of Venice RSF-2 district requires a maximum lot coverage of 30%.

V. PLANNING ANALYSIS

a) Consistency with the Comprehensive Plan:

The subject property has a Low Density Residential future land use map designation. This designation is for residential areas of up to five (5) dwelling units per acre. These areas are intended to accommodate single-family and other similar residential uses.

Consistent with this designation, under the proposed City of Venice RSF-2 zoning, residential development of the existing lot of record is limited to one single-family dwelling per lot. In addition, the proposed City of Venice RSF-2 zoning is compatible with the immediately adjacent single-family properties which have either city or county RSF-2 zoning designations, or county zoning in which the specific zoning district has yet to be conclusively determined.

Finding of Fact (comprehensive plan): *Based on the above analysis, the proposed City of Venice RSF-2 district is consistent with the Low Density Residential future land use designation and is compatible with adjacent properties. In summary, the proposed City of Venice RSF-2 district can be found consistent with the comprehensive plan.*

b) Compliance with the Land Development Code:

The subject zoning map amendment has been processed consistent with the procedural requirements contain in Section 86-47. In addition, the subject petition has been reviewed by the Technical Review Committee and no issues were identified.

Section 86-47(f)(1) of the Land Development Code states “When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:”

Due to the nature of the subject zoning map amendment application, the following staff commentary will apply to each of the considerations contained in Section 86-47(f)(1) a-p. As emphasized in Section I of this report, the city needs to give the subject a City of Venice zoning designation. The proposed city RSF-2 zoning is 1) most similar to the existing county RSF-2 zoning, 2) consistent with the Low Density Residential future land use designation, and 3) compatible to the existing zoning designations of adjacent properties.

Finding of Fact (compliance with the Land Development Code): *Based on the above analysis, sufficient information has been provided to make findings of fact for each of the rezoning considerations contained in Section 86-47(f)(1) a-p, of the Land Development Code and the subject zoning map amendment can be found in compliance with the Land Development Code.*

c) **Concurrency/Adequate Public Facilities:**

The subject property is developed with a single-family detached structure which has been served by public facilities since the house was originally constructed in 1958. As such, the proposed zoning map amendment will have no impact on public facilities.

Finding of Fact (Concurrency): *The proposed zoning map amendment will have no impact on public facilities.*

VI. CITY ACTION ON ZONING MAP AMENDMENT PETITION NO. 17-06RZ

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record to take action on Zoning Map Amendment Petition No. 17-06RZ.